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Colonel Jose Francisco Chaves

1833--1904

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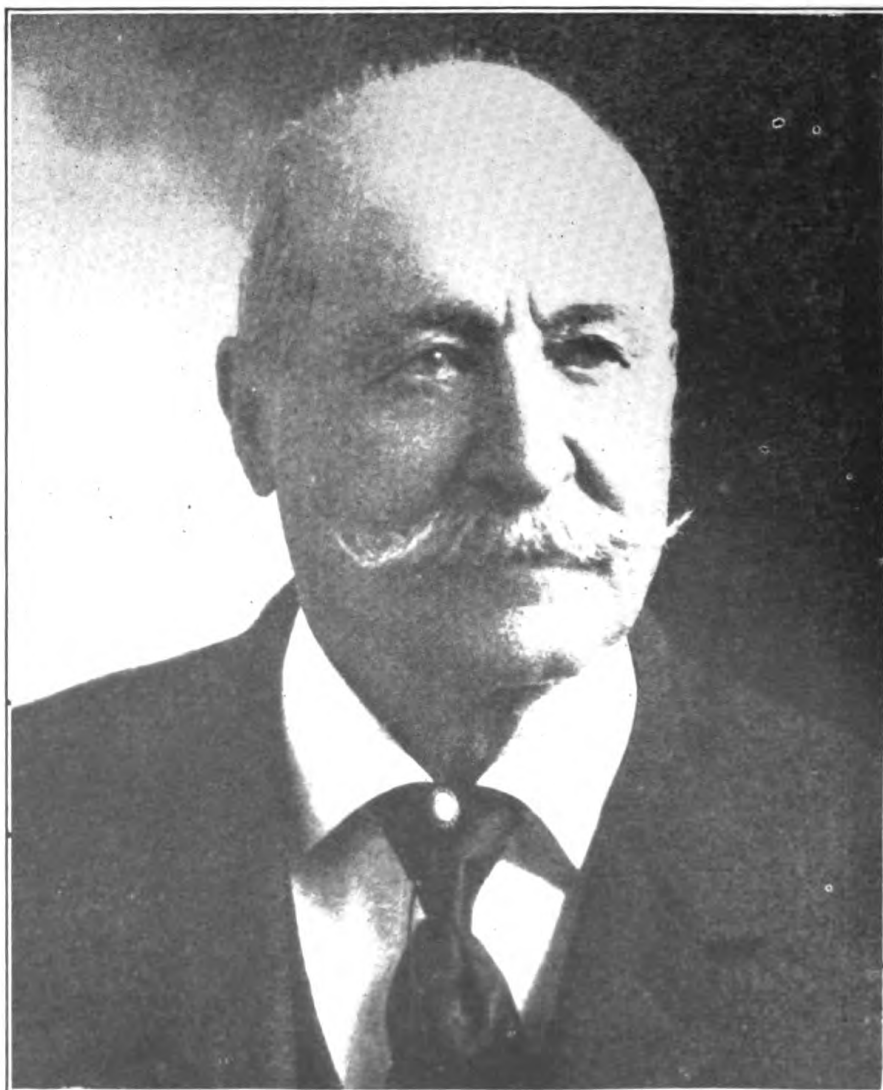
BY

PAUL A. F. WALTER

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1926



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COLONEL JOSE FRANCISCO CHAVES
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For nearly half a century before his death in 1904, Jose Francisco Chavez was the foremost citizen in New Mexico of Spanish ancestry, and, indeed, it might be well said that he was so of any race, and therefore, in view of that fact and of his long and distinguished career as a soldier, legislator, lawyer and patriot, it is manifestly a duty of the Historical Society of New Mexico to make a permanent record of what he was and what he did.

Fortunately, we have at hand the material for a Bulletin of the Society on this subject in a paper read by Frank W. Clancy on the occasion of the unveiling of the bust of Colonel Chaves in March of 1925, and in a reminiscent article by Ex-Governor Miguel A. Otero which was published a little later, and therefore, with the consent of those gentlemen, that paper and that article are embodied herein as a tribute to the memory of a gifted native son of New Mexico whose record is one of which all of us may well be proud.

Colonel J. Francisco Chaves had been named territorial historian by legislative act in 1903 and had been collecting data for a work which was to have been in part reminiscent of his own participation in public affairs. His memory as to details of events was remarkable and his knowledge of customs of his people even before the advent of General Kearny would have meant an important contribution to New Mexico history had his reminiscences found their way into print. When in a confidential mood he was outspoken in describing peonage and moral conditions that affected life on the larger ranches of the Spanish Southwest and disclosures made by him would have made intensely interesting reading.

The following biographical note is from Twitchell's "Leading Facts of New Mexican History" and in part appeared in an earlier edition of the official "Blue Book"

published by the Secretary of State and also in the Santa Fe New Mexican:

"J. Francisco Chaves was born in Los Padillas, Bernalillo county, New Mexico, June 27, 1833. In 1841 he entered St. Louis University. His education was finished with a two years' course in the College of Physicians and Surgeons in New York City, and in 1852 he returned to the territory. His grandfather, Don Francisco Xavier Chaves was governor of New Mexico under the republic of Mexico. His father, Don Mariano Chaves, was born December 31, 1799, and married to Dolores Perea, the daughter of Pedro Jose Perea, a descendant of one of the early settlers of New Mexico. Don Mariano Chaves was chief of staff under Governor Manuel Armijo in the revolution of 1837. He was inspector general of all the military forces of New Mexico. Subsequently, in 1840, Don Mariano was made political chief. When Colonel Chaves' father sent him to St. Louis to receive his education he said to him: "The heretics are going to over-run all this country. Go and learn their language and come back prepared to defend your people." In 1852 and 1853 Colonel Chaves made overland trips to the state of California. He served as a soldier in campaigns against the Navajos prior to the Civil War. In 1861, he was commissioned major of the 1st New Mexico Infantry, by President Lincoln, and was afterward promoted to a lieutenant-colonelcy for gallant and meritorious service. In 1862 he took part in the battle of Valverde and later on helped to establish Fort Wingate, of which post he was in command for a long period. He was honorably mustered out of the service of the United States in 1865. Returning home he began the study of the law and in due course was admitted to the bar. During the late seventies he held the position of district attorney for the Second Judicial District. In politics he was a staunch Republican and in 1858, while absent campaigning against the Navajos was elected a member of the house of representatives of the territorial legislative assembly, taking his seat in 1860. In 1865 he was elected delegate in congress from New Mexico and served in the 39th and 40th con-

gresses. In 1875 he was elected a member of the legislative council from Valencia county and was re-elected to every succeeding legislature. He was appointed superintendent of public instruction by Governor Otero in March, 1901; reappointed in 1903 and was filling the position at the time of his death. He was assassinated at seven o'clock on the evening of Saturday, November 26, 1904, at Pinos Wells, New Mexico. Colonel Chaves was married in 1857 to Mary Bowie, who died in 1874, leaving two children, Lola and Francisco. The former married Mariano Armijo, descendant of a prominent family of Bernalillo county, New Mexico. The latter died in 1895. Colonel Chaves was a man of firm convictions, fearless, and a justly acknowledged leader of his party, in the councils of which he was always a potent factor."

Colonel Twitchell in his history also tells of Colonel Chaves' leadership in organizing a rump legislative council in 1884 and his part in the fight over the Capitol location at Santa Fe. During the 27th legislative assembly Colonel Chaves led in the historic fight on Governor Ross. That Colonel Chaves was a master of practical politics and also a skillful parliamentarian was evident to the undersigned who reported the legislative assemblies of 1899, 1901 and 1903, in the last of which Colonel Chaves presided over the legislative council. In the first act passed for the creation of Torrance county, the county-seat was fixed at Progreso, Colonel Chaves' home ranch, but a later act, placed the county seat at Estancia. The writer enjoyed the friendship of Colonel Chaves and regrets often that he failed to put down the stories of early days which Colonel Chaves delighted to tell when in a reminiscent mood. However, the columns of the Santa Fe New Mexican and of other territorial and state papers as well as official records would yield rich material for a fuller biography than this of one of New Mexico's most distinguished and most interesting characters.

PAUL A. F. WALTER

President Historical
Society of New Mexico.

PAPER BY FRANK W. CLANCY, AT UNVEILING OF
BUST IN NEW MEXICO STATE SENATE

Mr. President, and ladies and gentlemen:

I have been deputed to say something to you about Col. Jose Francisco Chaves, the man, with whom I was intimately acquainted for more years than I can realize, as it seems but a short time, and I will not say how many they were. He was one of the first men with whom I became acquainted after I reached New Mexico, and a warm and heart-felt friendship then began which ended only with his death, a death brought about by his efforts for the public's good. He was a descendant of Fernando Duran de Chaves, one of the reconquistadores who came with de Vargas in the last decade of the 17th century.

There is but little left for me to say, after what you have already heard, about his public career, and I will touch upon only a few events, and try to keep within the limit of time, which I am told is to be observed upon this occasion. Were it not for that limit I believe I could talk for hours about our departed friend, and of his life-long efforts for the improvement and development of his native land.

As I remember, he told me he was born in 1839 and among his earliest recollections was the fact of his acting as an interpreter for General Kearny when he came to Peralta in 1846 shortly after his occupation at Santa Fe. It seems strange that so young a child could act as an interpreter, as it is certain that he could not have gone away to school before then. But I believe it is to be accounted for by the fact that his stepfather was Dr. Connelly, a man of education and high character, from whom he must have acquired a knowledge of English.

He served as an officer in the Civil War when Texas

invaded New Mexico, and in the long continued struggles with savage Indians.

He studied medicine in New York, and with his memory which was quite remarkable although he did not graduate, he retained a great practical knowledge of medicine and hygiene, and was highly esteemed by his country men in New Mexico as one whose advice in matters of health or sickness was always of value. I can personally testify to that, as a fact, as he prescribed a simple remedy for me when I had a bad cold the first winter that I was in New Mexico.

He served as delegate in Congress for four years in the thirty-ninth and fortieth Congresses and was candidate for re-election to the 41st Congress, but his adversary, Charles P. Cleaver, was given the certificate of election and retained his seat as delegate until a few days before the expiration of that Congress, when Chaves was given the place as the result of a contest. During those years while he was delegate, Schuyler Colfax, who has the reputation of being the best parliamentarian who ever held the position was speaker of the House of Representatives, and it may well be that the wonderful ability of Chaves as a presiding officer of the Legislative council of the Territory and of political and other conventions, was the result of those years of observation and study of the methods of Colfax. The Legislative council of the territory was but a small body, of which he was president not less than eight different times, but in 1889 we had a Constitutional Convention with a membership of nearly 100, of which I was one, and the skill and accuracy with which he discharged the duties of its presiding officer justifies me in claiming that his superior as a parliamentarian could not be found anywhere in the country. His success was due not only to his familiarity with the rules of procedure, but to his wonderful memory which enabled him to keep in mind clearly the most tangled jumbles of resolutions offered, motions to amend, of the acceptance or rejection of amend-

ments, offers of substitutes, motions to lay on the table, and all such matters naturally of a confusing nature, which would have driven a less capable man to the confines of distraction but which he was able to unravel with precision and without objection from anyone.

From 1901 to 1904 he served as Territorial Superintendent of Public Instruction, and probably did more to improve and develop our system of public schools than any other ever did, prior to statehood, especially in the rural districts where the people were poor and many of them illiterate. What he did was not in the way of stimulating interest among the native people on the subject of education, for there never has been a time when the Spanish-speaking people of New Mexico were not thoroughly alive to the necessity of schools for their children, and the contrary idea which many new-comers have on this subject, that they were not, is ill-founded, but his most valuable work was in the direction of practical instruction and recommendations as to methods best adapted for use in poverty stricken communities, to improve school conditions by personal co-operation of men in the building of school houses and obtaining the services of competent teachers. I have not the time to go into details of that work, but there must be many who still have recollection of what he did in those years.

As to his personality, we may say that he was always a patriot who was seeking and striving for the public good, and violently outspoken in advocating what he believed to be for the benefit of the people of New Mexico; but to my mind his most conspicuous trait was that he had the highest order of courage, both physical and moral, and I will tell you of an instance of his great physical courage and presence of mind, which was first narrated to me by Benjamin Stevens who was living in Albuquerque when I first came to New Mexico. Stevens was a man of the kind that would have delighted the novelists who write of the early days on the western frontier. He was six feet in height

and of powerful physique and I wish I had time to tell you more about him. He was, from all accounts, a man himself of wonderful courage and varied experiences and many occupations in California, Utah, Nevada and other places of the far west and he told me that without doubt Col. Chaves was the most courageous man whom he had ever known and the coolest in moments of danger. He told me, as an example, of a happening when he and Col. Chaves were both officers of Volunteers during some of the Indian wars. They were stationed at old Fort Wingate and having leave of absence started for Albuquerque, but not in uniform, Stevens mounted on a mule and Chaves on a horse. Two or three miles from the Fort, as they rode up a little hill in the lava beds, Navajo Indians suddenly appeared, as if they grew out of the rocks on both sides of the road and in front of them. Stevens started to turn his mule around to retreat, when the Colonel said to him.

"Don't do that, Ben."

"Why not?" said Ben.

"Look behind you."

And when he did so he saw that the road was fully occupied by Indians in that direction. Chaves then spoke to the leader of the Indians whom he singled out at once, and said to him in Spanish:

"What are you fellows doing here so near the Fort? We have just come from the Fort and before we left a man came in and reported that you were out here, and as we came away, they were turning out the whole garrison to come after you; we didn't believe the report could be true, but now if you will take the advice of a friend, you better get away from here as soon as you can, or the soldiers will be on you, and some of you will get killed. We are on our way down to the river and are in a hurry—good bye."

And he started his horse and the Indians in apparent surprise fell back out of the road and let him and Ben pass through. The Colonel told Ben not to go fast but to move slowly until they were out of reach of arrows and then said:

"Now Ben, if that damn mule can show any speed let us get along as fast as we can."

Stevens told me that he was scared nearly to death and as he moved off slowly he imagined that he could feel arrows sticking him in the back, but that was pure affectation on his part for I do not believe that he was ever scared about anything but he frequently deprecated his own courage and depicted himself as a timid man. When he looked back, he saw the Indians standing motionless where they had left them, staring after the escaping pair as though they were still over-powered with astonishment. A minute's hesitation or sign of fear when the Indians appeared, would undoubtedly have caused the death of both men. Both Stevens and the Colonel more than once talked with me of this encounter and frequently mentioned the Indian Chief as though they were well acquainted with him, calling him by a vulgar nick-name in Spanish which respect for this audience forbids me to repeat.

Shortly after the railroad reached the valley of the Rio Grande in 1880, a set of robbers, thieves, swindlers, and worse, took possession of the town of Socorro, and organized a city government, under which they plundered the people most abominably, and about that time Colonel Chaves was appointed district attorney for the second judicial district of which Socorro county was a part, and in the discharge of his official duties, incurred the ill-will of the lawless element in Socorro. On one occasion a mob of considerable size compelled him to leave town, escorting him to the railroad station which is, as many of you know a long distance from the central part of the town. It was useless to make resistance to a mob of a hundred or more and the colonel had too much intelligence to attempt to do so, but during that long walk, he never ceased a tirade of violent and profane abuse of the mob, collectively and individually, and he was an expert in the use of profane language. I have known but one man who could compare with him, and that was General Grenville M. Dodge, the great

railroad builder. The mob put him on a train going northward and he went as far as Albuquerque but took the next train back to Socorro and resumed the duties of his office. The outlaws made no further attempt to drive him away.

One incident of which I had direct personal knowledge shows another side of his great nature. While I was district attorney I prosecuted a man at Albuquerque for stealing of livestock in which Colonel Chaves was directly interested, and I believe was a witness against the defendant, who was indicted for two distinct offences which were so connected that the evidence was the same as to each. We had a trial of one of the indictments and while the evidence was strong and clear the jury returned a verdict of not guilty. The colonel was greatly enraged and attributed this miscarriage of justice to outside influence and went about the country denouncing the villains who had, as he stated, procured the verdict of acquittal, not hesitating to denounce them by name and I have reason to believe that he absolutely terrified them. At the next term of court the other indictment came on for trial. I had substantially the same evidence and after the jury went out the colonel said to me in the court room that they would convict the defendant this time, adding that the sheriff, calling him by his first name, when he went to the door of the jury room a moment before, told them to find him guilty. I said "but he is guilty; don't you want him convicted?" and he said, "yes, but not that way." The jury promptly returned a verdict of guilty, and the colonel was mortified and ashamed beyond description.

Before he was murdered, there had been a series of grievous offences in Torrance county, such as stealing of stock, destruction of property, burning of houses and fences, and other like things, and the colonel was active in seeking evidence to punish the malefactors, and there is no doubt that this activity on his part brought about his murder. His courage was not of the kind which made him insensible to the possibility of danger. The man who never

realizes that there is danger and knows no sense of fear, is not much above the animal who fights without regard to consequences or to the impossibility of victory. But Colonel Chaves, while he realized the fact of danger, seemed incapable of thinking of himself or seeking any protection. More than once he adjured me when he thought there was a possibility of my being in danger, never to sit in a lighted room at night with windows uncurtained as a murderer could shoot through such a window. Yet that was exactly the way he was murdered at the house of a friend at Pinos Wells as he sat eating supper in a lighted room with no shades over the windows. His courage was of that character that he took no thought for himself although he might for others.

I prosecuted a man for his murder whom I believed, before the trial, to have been the scoundrel who fired the fatal shot which killed Colonel Chaves, and he was defended by my gifted friend Octaviano Larrazolo in a masterly manner, and I was almost convinced that the defendant was not the man who fired the shot, but at the same time I was quite convinced that he was a participant in the crime and the jury might well have found him guilty. As a sample of the amenities which are proper among members of the bar, or were at that time, I will tell you that, although I have never tried a case where I was as desirous for the defendant to be convicted, guilty, as he was, at least of participation in the murder of one of my dearest friends, after Larrazolo had concluded his talk to the jury at a night session of the court, when he spoke perhaps for two hours, he was completely done up, as a man of his temperament is likely to be under such circumstances, and bathed in perspiration. I said to him that he was all in and that he needed something to counteract the effect of his exertions, and persuaded him without difficulty to go up the street with me a short distance where I procured for him a large drink of the whiskey of our country. This confession which I make will seem quite disgraceful in the eyes of the support-

ers of Volstead, but I am so bad that I have no sense of shame.

There can be no doubt that Jose Francisco Chaves was murdered because of his activity as a good citizen in seeking to punish and prevent crime, and the world would be better if we had more like him.

In Shapewear's phrase we may well say:

"He was a man, take him for all in all

We shall not look upon his like again."

EARLY RECOLLECTIONS OF COLONEL CHAVES BY

FORMER GOVERNOR MIGUEL A. OTERO.

My first recollection of meeting Colonel J. Francisco Chaves, was late in the summer of 1872, when, in company with my father, mother, brother and two sisters, we were on a visit to my uncle, my father's brother Don Manuel Antonio Otero, at his home, La Constancia, Valencia county, New Mexico.

Colonel Chaves and his first wife, the mother of Mrs. Lola Armijo, called on my parents, at La Constancia, and later we visited Colonel Chaves and his family, at his home which was at that time at Peralta, Valencia county.

His brother, Don Bonifacio Chaves, was there at the time, and I remember quite well, of his telling us of the year he was collecting placer gold in the Jicarilla Mountains, Lincoln county, where he had secured several pounds of the gold, and was keeping it in pint and quart bottles. During one of the frequent Indian raids, he had hidden the bottles in such a secure place, that he never was able to find them, after making many trips, in an effort to find the gold, but without success. He insisted that it was there, in bottles, and would some day turn up.

The next time, I remember of meeting Colonel Chaves,

was during the 24th Legislative Assembly, here in Santa Fe, in 1880. He was then president of the territorial council (senate.) I believe this was the first occasion of his election as president of the council, although he was a member of the 22nd and 23rd Legislative assemblies, in the council. At that time, I was a resident of Las Vegas, New Mexico, and from 1880, visited every legislature, regularly every two years, and of course met the Colonel who always asked after; "my cousin Miguel and Doña Marietta," as he called my father and mother, during their life time.

Colonel Chaves, was, without exception, the best presiding officer in the territory of New Mexico, and I very much doubt, if he had many superiors in the whole United States, in handling, a legislative body or convention of any kind. During the session of the 28th Legislative Assembly 1888, several Democratic senators were unseated, leaving only one Democrat in the Council, Hon. E. B. Franks of Colfax County, and, by special arrangement, entered into between Senator Franks and Senator Bernard S. Rodey, who was representing Bernalillo county in the council, at that session, it was agreed, in order that any motion made by Senator Franks, might properly get before the Council, that Senator Rodey would second any and all motions made by Senator Franks, merely as an act of courtesy and for no other purpose.

It so happened, at this particular session of the Legislature, that the offices of the clerks of the district courts were being investigated, on the ground of excessive fees, it being generally understood, that the clerk's office in the Fourth Judicial District, under Colonel R. M. Johnson, was paying more than \$25,000.00 per year. The Fourth Judicial District had headquarters at Las Vegas, with Hon. Elisha V. Long, as chief justice of New Mexico. Colonel R. M. Johnson, clerk, and William E. Gortner, court stenographer, and a brother-in-law to Colonel Johnson, were cited to appear before the committee of the council, as witnesses, but they refused to obey the summons issued by the Council,

and the Sergeant-at-arms was ordered, forthwith, to arrest each of them, and to bring their bodies before the council which was accordingly done. They were placed under arrest, occupying a room in the old capitol building, which was soon afterwards burned to the ground.

When the council convened, the following morning, Senator E. B. Franks arose from his seat, with much solemnity, and addressed the chair, in the following words: "Mr. President; I move you, Sir, that the culprits, R. M. Johnson and William E. Gortner, now in the custody of this Honorable Council, be taken hence, without delay, by the Sergeant-at-arms and hanged by the neck, until they are dead, dead, dead. And may God have mercy on their souls."

Without a moment's hesitation, Colonel Chaves jumped to his feet, with the gavel raised high, in his right hand, saying in a loud voice: "Does the gentlemen from Bernalillo second that motion?"

Senator Rodey shook his head, and the entire council and spectators burst out into a loud laugh.

Colonel Chaves never as much as smiled, and stood there pounding his gavel until order was restored, when he stated: "Gentlemen, I am surprised at your levity. This is no laughing matter." Of course there was no second to Senator Franks' motion, and it simply died.

Another interesting incident which I recall was during my term as governor of the territory of New Mexico. I had been invited by Governor N. O. Murphy, at that time Governor of the Territory of Arizona, to attend a statehood convention, to be held at Phoenix, Arizona, and I was further requested to invite any guests from New Mexico to accompany me, whom I wished in my party. I was accompanied by my staff and a few invited guests, among them being Colonel J. Francisco Chaves. I, of course, knew that Colonel Chaves had commanded the escort, sent under direct orders from President Lincoln, to accompany the first Territorial officials, Governor John N. Goodwin, Secretary

Richard C. McCormick, Chief Justice William F. Turner, Associate Justice Charles Allyn, and Surveyor-General Levi Bashford. When the party reached the Navajo Springs, they concluded they were in Arizona, and there on the 29th of December, 1863, they celebrated the organization of the Territory of Arizona. Arizona formerly belonged to New Mexico, and was the western county known as Santa Ana county. It was created by an Act of Congress, dated February 24th, 1863, and proclaimed a territory by President Lincoln, immediately after the passing of the Act.

When our party arrived at Ash Fork, Arizona, Governor Murphy, together with his staff, met us with a special train, leaving at once for Prescott, Arizona, where we were given an elegant banquet and reception, at the Burke Hotel, after a drive around the surrounding country. We had a most enjoyable time, and were escorted to our waiting train in the "wee sma hours" by almost the entire population of Prescott. We arrived in Phoenix the following morning to the music of brass bands and cheering crowds at the depot, who joined in the march, accompanied the long line of open carriages occupied by Governor Murphy and his guests to the Adams Hotel, where headquarters were established, and the freedom of the city extended by the mayor and prominent citizens to their guests from New Mexico. That same night Governor Murphy gave a magnificent banquet and reception to our party, at the Adams Hotel. On the following morning the convention was opened at the opera house, which was beautifully decorated and crowded to its full capacity. The private boxes were filled with the capital's most beautiful women, with American Beauty roses everywhere, in the greatest abundance. We were all seated on the stage, with Governor Murphy, his staff, Territorial officials and other distinguished citizens of the Territory.

Colonel Chaves, according to arrangements, was down on the program, to tell the people of Arizona, all about the occasion, when the Territory of Arizona was first organ-

ized, in 1863. When it was time for the Colonel to deliver his address, he began by telling of his first visit to Arizona, when he commanded the escort of soldiers, bringing the first Territorial officials, to organize the newly created territory. And said the Colonel, advancing to the front of the stage and extending both arms towards the boxes:

"We were not welcomed by the beautiful women I see here today, and who lend, as an inspiration on this great occasion, when we are asking for Statehood, their gracious and handsome presence."

Colonel Chaves was really quite a wit; although he was always the personification of dignity, and he never gave the impression to his audience, that he was indulging in anything other than ordinary facts. He was rather serious when speaking, and seldom smiled when addressing a convention or large gathering of people. Continuing, he said: "How well I remember my first visit here; it was after a long dusty day of travel, we arrived, foot-sore, here on the banks of Salt River, and the very first thing we did, was to strip off all our clothing and jump into that cool stream of water, for it was in the month of December, but we surely needed a bath to ease and cleanse our tired and dirty bodies."

Then advancing once more to the front of the stage, and throwing out his arms in a broad gesture, towards the boxes, he said: "And there were no beautiful ladies there, such as I now see before me, to welcome us on that most memorable occasion." It brought down the house, and many of the ladies showered the Colonel with American Beauty roses, as he took his seat, bowing his acknowledgment in every direction.

The Colonel was always exceedingly polite in the presence of women, and one of the most courteous and chivalrous gentlemen it has ever been my pleasure to meet, and he was always at his best, when delivering a toast at a banquet "To the Ladies."

Colonel Chaves was a man of fine education and cult-

ure; firm in his convictions and absolutely fearless, and a recognized leader of the Republican party of New Mexico.

He was New Mexico's delegate to the 39th, 40th and 41st, United States congresses; was elected to the territorial council, from Valencia county for fifteen consecutive sessions, 1875-1905, of which he was eight times the President, and would have been elected President in 1905, had he not been most foully murdered by an assassin or assassins, who to this day, have never been punished.

It was my pleasure and privilege to have had the honor of appointing him superintendent of public instruction, first in March 1901 and again in March, 1903, and he was holding the office at the time of his most cowardly assassination, on November 26th, 1904. He was a most capable, conscientious and thorough official, and took the greatest interest in behalf of the education of all the native children of New Mexico.